



State of Delaware  
Commission on Forensic Science

Minutes - 8/5/19

10:00 a.m. to 12:00 p.m.

DFS – 1<sup>st</sup> Floor Conference Room, 200 South Adams, Wilmington

1. Welcome, Call to Order

- Chair R. L. Hughes called the Commission meeting to order at 10:05 a.m. In attendance were:

Voting Commission Members

DAG Barzilai Axelrod

Secretary Rob Coupe

Chief Randall L. Hughes

Major Daniel Meadows

Representative John Mitchell

Senator Nicole Poore

Lisa Schwind, RN, Esquire

Anita Symonds, RN

Secretary Kara Walker

Department of Justice

Department of Safety & Homeland Security – Vice Chair

Delaware Police Chiefs' Council – Chair

Delaware State Troopers Association

Delaware House of Representatives

Delaware State Senate

Office of Defense Services-Public Defender's Office

CCHS - Public Member

Department of Health & Social Services

Non-voting Attendee

Commission's Legal Support

DAG Patricia Davis

Department of Justice (substituting for DAG Lisa Morris)

Additional Non-voting Attendees

Kimberly Chandler

Johna Esposito

John R. Evans

Isabella Kaplan

Amrita Lal-Paterson

Melissa Newell

Jessica Smith

Rebecca Walker

OSEC-DSHS – Deputy Principal Assistant

DFS - Quality Assurance Manager

DFS – Director

DTI - Customer Engagement Specialist

DFS – DNA Technical Leader

DFS – Forensic Chemistry Laboratory Manager II

DFS – Chief Forensic Toxicologist

DFS - Chief Operating Officer

Absent Voting Commission Members

Professor Donald Lehman

UOD – Public Member

## 2. Approval of the Minutes

- Chief Hughes asked for a motion to approve the 5/6/19 meeting minutes. Representative Mitchell made the motion to approve; Major Meadows seconded the motion. Hearing no objections, all voting members in attendance unanimously voted to approve the minutes of the May 6, 2019 meeting.

## 3. Date of Next Commission Meeting

- Chief Hughes said that the Commission needs to establish two more dates for the 2019 meeting schedule. After some discussion, Monday, 9/9/19, and Tuesday, 11/12/19, were selected as the final two meeting dates for 2019.

## 4. DFS Director's Report

### **Staffing:**

- As reported at the last meeting, the two new chemist positions in the Toxicology Unit were filled in April. The new chemists have completed their training and are now doing casework.
- Also reported at the last meeting, an interview for the casual seasonal Pathologist position at the Georgetown Office had been completed on May 3<sup>rd</sup>. An offer was extended to the candidate, but, unfortunately, the offer was declined due to the candidate's limited availability.
- Training is on schedule with the recently hired Analytical Chemist II and III positions in the Forensic Chemistry Unit and interviews are scheduled for August 8<sup>th</sup> for the vacant Analytical Chemist I position.
- The vacant casual/seasonal Forensic Investigator position in the Wilmington Office was filled in May by our casual/seasonal Lab Tech in the Tox Unit. Training is on-going and on schedule.
- Interviews were conducted in mid-July to fill a full-time Forensic Investigator position in the Georgetown Office which was vacated due to a retirement. One of our casual/seasonal investigators in the Georgetown office was selected to fill that position.
- Interviews were also conducted in mid-July to fill a full-time Forensic Morgue Assistant position at the Wilmington Office. A selection was made and HR is in the process of extending an offer to the candidate.
- Forensic Investigator Kat Pope tendered her resignation effective July 26<sup>th</sup> to pursue a new opportunity with NamUs, which is a national information clearinghouse and resource center for missing, unidentified and unclaimed person cases across the United States. We thank Kat for her four years of service and wish her the best.

- Director Evans recognized several work anniversaries since our last meeting:
  - Kristine Kauffman, Administrative Specialist, celebrated her 20<sup>th</sup> anniversary with DFS in June;
  - Jessica Smith, Chief Forensic Toxicologist, celebrated her 15<sup>th</sup> anniversary with DFS;
  - Melissa Newell, Lab Manager in Forensic Chemistry, reached 13 years with the DFS;
  - Lauren Rothwell, Senior Forensic DNA Analyst, celebrated 5 years in June;
  - Shrhonda Ellis, Analytical Chemist in Tox, has been with DFS for three years,
  - Nikki Gerlach and Heather Moody, Analytical Chemists in Forensic Chemistry, and Laura Choquette, Analytical Chemist in Tox, all celebrated two years with DFS.

Director Evans thanked each of them for their years of dedicated service to the State of Delaware.

### **Forensic Chemistry Unit:**

- At the last meeting, Director Evans reported that DFS was successful in adding Fire Debris Analysis onto the accredited scope of work through ANAB. To date, the FCU has completed several fire debris cases for the Fire Marshal's Office, including one homicide case. Again, DFS no longer needs to outsource fire debris testing which will come as a cost savings to the State.
- The FCU continues to effectively manage its' caseload with a zero backlog and current turnaround time of approximately 21 calendar days.
- The FCU has had two college interns over the summer.
- Director Evans then thanked Senator Poore and Representative Mitchell for sponsoring the fentanyl bill and Melissa Newell for her efforts in assisting as the subject matter expert, all of whose efforts led to the bill being passed. Again, this bill amends the drug title by updating the schedule for fentanyl analogues.

### **DNA Unit:**

- The DNA Unit will be undergoing an FBI QAS audit in mid-September and Director Evans will share the results at the next meeting or at such time as the results become available.
- There was a total of approximately nine (9) CODIS hits or matches both at the local and National level since the last meeting.
- The DNA Unit currently has only one case in backlog, which is on hold at the request of the DOJ and a zero backlog in offender samples. The turnaround time on testing is approximately 36 calendar days.
- DNA has had an intern over the summer whose last day was July 26<sup>th</sup>.

### **Toxicology Unit:**

- Director Evans last reported that the Tox Unit had received delivery of a new LC-MS/MS instrument. A contractor has completed the validation process on the instrument and the Tox Unit is now in the process of assuring that the data on the validation spreadsheets matches the raw data. Again, this instrument will provide quicker and less extensive extraction procedures and the ability to identify and measure a broader range of compounds including Fentanyl analogues, thereby, no longer needing to outsource that testing which realizes a cost savings to the State.
- The Tox Unit recently received delivery of a new Uninterruptable Power Source (UPS) to replace an aging unit that had failed. The UPS units are critical in maintaining constant power to the instruments during a power failure. The purchase of this UPS was not anticipated or in the budget but fortunately was funded through the DFS EMS grant.
- The DFS EMS grant also funded the recent purchase of a water purification system to replace an aging and failing system. Water purification is required for water to be used in DFS instruments. The new system has been relocated from the Tox Lab and placed in a room off of the second floor hallway, which can be accessed by the other labs as well. In the long run, this shared system will come with a cost savings to the State.
- As of last report, there were 134 open postmortem cases and there were 75 DUI cases in progress. The most recent reported turnaround time is 49 calendar days for postmortem and 33 days for DUI. Director Evans said this is a decrease from his last report.
- Director Evans said he hoped Commission members have taken note -- not only of the effective case management -- but the reduced turnaround times from the past across each of our labs. This is a testament to the hard work and commitment from the DFS chemists and lab managers.

### **Medical Examiner Unit:**

- The autopsy functions have resumed in full at this office with both autopsy suites downstairs being utilized. Decedents are again being stored here in our new body coolers and DFS no longer utilizes the cooler on the Bissell Hospital campus.
- Although powered down, the refrigerated cooler unit will remain on the Bissell campus and will be available to use in the event full capacity is reached with in-house coolers or in the event of a mass fatality situation. Director Evans expressed thanks to Facilities Management for their continued partnership in this regard.
- In terms of caseload in the MEU - as a comparison, the Unit has investigated 1,224 total death cases in the first half of 2019 as compared to 1,204 in the first half of 2018. Twenty homicides have been investigated YTD as compared to 33 during the same time period last year.

- As our Quality Assurance Manager, Johna Esposito just recently completed the first ever internal audit of the Medical Examiner Unit in which she audited for compliance of internal DFS/MEU policies, procedures and SOPs. He will share the results once the report has been finalized.
- Director Evans shared that the MEU will be having an accreditation on-site visit by the National Association of Medical Examiners (NAME) on August 8<sup>th</sup> & 9<sup>th</sup>. Both the Wilmington and Georgetown offices will be visited and he will share the results once they become available.
- Congratulations to Forensic Investigator Johanna Gerisch on successfully obtaining her American Board of Medico-Legal Death Investigators certification.

### **Outreach:**

- On the outreach front, since the last Commission meeting, DFS has provided an overview and tour of the DFS facility to both the DOJ and the ODS.
- DFS continues to give presentations and has a seat on numerous committees and working groups across all of DFS disciplines.

### **Questions/Comments**

- Director Evans then turned the meeting back to the Chair. Chief Hughes asked if there were any questions/comments for Director Evans.
  - Ms. Anita Symonds noted that the Toxicology Unit reported a 49-day turnaround time for post mortem cases and asked if anyone knows the national average for turnaround times. Director Evans answered that DFS has looked at this in general terms across all four disciplines as to what is considered best practices for turnaround times. A determination was not made because this information could not be found; not even ANAB or ABFT mention what an average turnaround time should be. Director Evans said he does know that DFS turnaround times are below what is found in other jurisdictions.
  - Chief Hughes asked if there is one single thing that could be provided to Tox which would enable a shorter turnaround time. Jessica Smith, Chief Toxicologist, answered it would probably be an increase in resources. Chief Hughes then asked if there is space available for this increase and Jessica Smith replied, no. Ms. Anita Symonds asked if working in shifts could be the answer. Ms. Smith responded, no - some tests require runs on the instruments lasting all day and all night, therefore, any new samples to be run by an oncoming shift could not be accomplished since the instruments would still be running.
  - Chief Hughes asked how many forensic investigator (FI) positions are currently not filled. Director Evans responded that a selection has been made for one of the open FTE FI positions; however, HR has yet to post the FI FTE position that was recently vacated by Kat Pope. He noted that DFS will have an FI C/S vacancy soon which will also need to be posted.

- Chief Hughes then asked how much DFS is spending on overtime due to not having the appropriate number of FTE investigators on staff. Director Evans doesn't have the exact dollar figure, but overtime is routine - especially on weekends when an FI is on-call; however, he is more concerned with investigator fatigue. Director Evans noted that much like the Tox Unit, DFS will be submitting a white paper for the MEU in the near future. Ms. Symonds said the fatigue level seems always to be an issue so what is it like right now for the FI's - how often is weekend call and does one person take the entire weekend. Director Evans said the FI's split the weekend; on Saturdays, there is someone physically in the office during the day and then on call during the night. Ms. Symonds asked then is it almost guaranteed they will be called in. Ms. Julia Vekasy, Chief Forensic Investigator, stated that a ballpark figure for overtime is probably 6-12 hours per week. However, she said, in the Wilmington office, because of being short staffed, it comes down to working every other weekend. Ms. Vekasy noted that FI's are given the choice of Friday or Monday off when they work in the office on Saturday which not only gives them a break in consecutive days worked, but also Saturday is then paid at regular pay, not overtime.
- Senator Poore asked for a copy of the DFS organization chart to better understand the unit's composition. She said that looking at it from a savings perspective, if current employees are being paid 6-12 hours overtime and an equation is made to actual dollars versus actual dollars for someone being fulltime, there is probably a cost savings somewhere in there. Ms. Vekasy said DFS does utilize the Casual/Seasonal employees to fill in on the weekends; however, when there is only a crew of 7 fulltime employees available to respond for the entire state, 24 hours/day, 7 days/week, she thinks DFS is understaffed. Senator Poore said there is no criticism here whatsoever, it is just that she and Rep. Mitchell would like to have a good understanding of where DFS is in budget and personnel. Senator Poore would like a copy of the current DFS organization chart and perhaps another chart with an overlay of what it would look like if DFS really had the staff that was needed. Director Evans said a pipe dream for DFS would be 24 hour coverage, ideally for 3 shifts around the clock, and that would greatly reduce overtime. Director Evans believes 5/6 additional fulltime investigators would be our pie-in-the-sky ideal. Currently, he said, DFS is effectively managing the resources in place, both casual/seasonal and fulltime employees, to continue to meet the mission. He added there has been a slight uptick of 5% in ME cases but what also needs to be considered is that the complexity of cases is going up as well which is requiring more time and more resources. Director Evans said a copy of the current DFS organization will be provided.
- Ms. Symonds doesn't believe that 24-hour coverage is unrealistic when there are people dying 24/7. She thinks the inappropriate number of FI's affects other people, too - i.e., if the EMTs or police have to wait until the FI's get there, or if someone is pronounced in the field, instead of taking them to a hospital where all the work surrounding the case is going on unnecessarily, the decedents could be brought directly to DFS. She thinks it becomes a strain on the hospital staff -- it not only affects the hospital, but also a whole lot of other services in our community.
- Chief Hughes asked the capacity of the body cooler here in Wilmington. Director Evans said it is 32.

- With no other comments or questions forthcoming, Chief Hughes moved the meeting on to Johna Esposito.

## 5. Standards & Certifications Advisory Committee

- Johna Esposito said the committee has nothing further to convey at this time. She explained that they are still working on the report for the Commission showing a view of the pros and cons of consolidating all forensic service providers in the state. The committee will meet next week and hopefully a draft report will be prepared and presented at the next Commission meeting.

## 6. Strategic Planning & Advisory Committee/Commission's 2019 Goals/Objectives

- Chief Hughes said DAG Axelrod will present his Committee's report then begin discussion which will directly tie in with the Commission's goals and objections.
- DAG Axelrod said that although a copy of the final report was emailed to Commission members previously, there is also a hard copy of that report in front of each Commission member. Senator Poore thanked DAG Axelrod for providing a copy of this report prior to the meeting. He said it was a collaborative effort by his committee and he thanked them for their assistance. DAG Axelrod explained the report was designed to piggyback on the prior committee's report which, in essence, consisted of their on-site visits to other forensic service facilities which encompassed those facilities' square footage at the time. This report was created in a way that also incorporated the other subcommittee's report so that we did not step on one another's toes in what we were doing, and to cross reference one another to let them know they do not live in a vacuum.
- DAG Axelrod said the way the report is structured is that it's built off of the 2014 Anderson International report. Due to the hard work performed by DFS and a lot of expense, most of the issues have been addressed. However, two remain unaddressed – one is personnel (which is really the other subcommittee's purview) and the other is physical location. He noted this report shows the square footage that NIST (National Institute of Standards and Technology) recommends for the number of personnel and labs in a facility and DFS has less than half of the square footage recommended. DAG Axelrod then provided a detailed overview of the entire report.
- A lengthy discussion ensued concerning the Commission's goals for 2019 which are to choose the best path forward: 1) to realize DFS's requirement for a new facility, and 2) to enhance employee retention through introduction of career ladders and better salary structures. Secretary Coupe said this is the year of DFS so it is DSHS' plan to push its energy and focus on the needs of DFS. He said his office has been in contact with DHR Secretary Johnson's team to set up a meeting in order to try moving the HR piece forward.

- Secretary Coupe then asked Commission members what strategy would be recommended moving forward. Realistically, he said, it will take a 10-year project to either renovate an existing facility or construct a new one, but that does not help us today. For the here and now, he thinks a decision needs to be made on whether or not the Commission should take the short term route which is to have the ME and Tox Units remain here and look for a remote location where the FC and DNA Units could reside. Chief Hughes thinks it important the Commission get this ball rolling. Commission members then discussed the feasibility and budget for short term goals versus long term goals.
- Chief Hughes requested that the Commission entertain a motion to accept the Strategic Planning & Advisory Committee's report and add it to the minutes of today's meeting. Ms. Anita Symonds made the motion to approve; Secretary Coupe seconded the motion. Hearing no objections, all voting members in attendance unanimously voted to add the report to the minutes.
- DAG Axelrod noted that with the approval and issue of his committee's report, it does sort of put them into a stasis mode. He said that unless there is a direct follow-up/mission that the Commission itself wants, there is not much movement/activity for the committee at the moment. Chief Hughes agreed; however, he believes it will be reactivated when it comes to the DFS "buy/build" stage.

## 9. Open Discussion

- Senator Poore thanked Melissa Newell for "dummying down" all the technical knowledge she provided regarding fentanyl. It was very much appreciated.
- Representative Mitchell recalled that at our last meeting, there was a request made for monies for training. Both he and Senator Poore made a request to obtain those monies and received assurance they could be acquired. He said Director Evans needs to reach out to OMB Director Jackson and put it in the DFS budget, pointing out that this request is "on top of", not "in lieu of".
- Secretary Coupe echoed thanks to the DFS staff, not only for what they do here, but a lot of the staff represent the division outside of this office to many stakeholders (i.e., Becky Walker has a presentation this afternoon for the Behavioral Health Consortium about the work being done at DFS, Melissa Newell went to Leg Hall regarding fentanyl, and Melissa was also with Director Evans at the State Police to discuss the new challenge now being faced which is hemp. Secretary Coupe explained that the Department of Agriculture is responsible for a hemp pilot research program. The LEA's are having trouble with discerning marijuana plants against hemp plants because they look alike and test results are the same for both and, as much as the labs would like to help, they cannot because they do not have quantitative testing ability. Chief Hughes asked if the FTIR would help at all with quantifying THC. Melissa Newell responded that it's possible but not for our purposes. Chief Hughes said the smaller version of the FTIR may be an avenue for law enforcement for field testing. Secretary Coupe suggested that the message regarding testing of THC in marijuana versus hemp be delivered to the Police Chiefs' Council and suggested Chief Hughes get together with Director Evans to make this happen.



- ODS Lisa Schwind suggested that the morgue tour cancellation be addressed. She said she thinks it important all members be given the opportunity to see what she saw on her mini tour a few weeks ago. She said she was very impressed. Chief Hughes said that unfortunately a lot of work is being done downstairs and it would not be appropriate to conduct the tour today. Secretary Coupe suggested a tour could be conducted after the September meeting. Director Evans said if there are not active cases there at that time, he could certainly arrange a tour then. He added that members are welcome to stop by when they are in the area and he would guide them on a tour; noting that work is performed in the Autopsy Suite in the mornings, so an afternoon time slot would be best.
- Ms. Anita Symonds said she would like to report that one of the first cases related to the SAKI went to trial and the person who was connected through three different kits that were tested was found guilty.
- Major Meadows said he joins the rest of his colleagues at this table in thanking the two subcommittees (Standards & Certifications and Strategic Planning) for the great work they have done in presenting a very comprehensive picture regarding employee retention and the architecture of DFS and its physical facility needs.
- A discussion was held concerning the opioid epidemic affecting Delaware's children. Secretary Walker noted that a bright spot to report is that DHSS is actively working on the creation of shelter facilities for the family, not just the adult in need.

#### Adjourn

- The meeting was adjourned at 11:40 a.m.

Next Meeting Date: **Monday, September 9, 2019**  
DFS – Wilmington, 1<sup>st</sup> Floor Conference Room  
10:00 am – 12:00 pm